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NOTIFICATION

No.B.11011/1/90-EDC, the 18th March, 1991. Whereas most of the Colleges in Mizoram are funded or assisted financially by the Government especially when public contributions have not been sufficient and

Whereas it is considered desirable to place the Colleges on sound financial basis to achieve better administrative control and uniform qualitative improvement in higher Education in Mizoram.

Now, therefore, the Governor of Mizoram is pleased to make rules as follows, namely:—

1. SHORT TITLE, EXTENT AND COMMENCEMENT

- (1) These rules may be called the MIZORAM COLLEGES (Provincialisation) Rules, 1991.
- (2) They shall extend to the whole of the State of Mizoram.
- (3) They shall come into force on such date as the State Government may, by notification in the Official Gazette appoint.

2. DEFINITIONS

In these rules, unless the context otherwise requires —

- (a) "Affiliated College" means College affiliated to the concerned University;
- (b) "Doctorate" means doctorate degree in any subject of a recognised University in India and abroad;
- (c) "Employee" means a person employed in a College against a regular sanctioned post and whose appointment has been regularised and approved by the Government.

- (d) "Government" means the State Government of Mizoram;
- (e) "Non-teaching staff" means clerical staff, Library staff, Laboratory staff and Group 'D' staff;
- (f) "Past service" means the period of continuous service on regular basis of an employee of a private college from the date the college was affiliated to the concerned University.
- (g) "Qualification" means qualification prescribed by Recruitment Rules in force.
- (h) "Teaching Staff" means a teacher of the college and includes the Principal, the Vice Principal, the Reader and the Lecturer;
- (i) "Commission" means Mizoram Public Service Commission constituted by the Government of Mizoram.
- (j) "Selected Board" means the Selection Board constituted by the Government of Mizoram from time to time.

3. POWERS OF GOVERNMENT OF PROVINCIALISE COLLEGE.

The Government may, by Notification in the Gazette, provincialise any College in Mizoram and consequent upon such provincialisation, all the provision of these Rules shall apply to the College and to its employees.

4. ELIGIBILITY FOR PROVINCIALISATION :

No College shall be eligible for provincialisation, unless :—

- (a) The College has in the annual enrolment 150 students inclusive of pre-university and degree classes :—
- (b) Such College has adequate number of qualified teaching and non-teaching staff appointed on a regular basis and approved by the Government.
- (c) The College possesses enough area of land for construction of building as per norms, such as
 - (i) administrative buildings.
 - (ii) class room, floor space as prescribed by the university;
 - (iii) Science and laboratory building (if a Science department is run in the College)
 - (iv) Library building/day home, and
 - (v) Hostel building,
 - (vi) separate building/day home, and
 - (vii) other such buildings as prescribed by the university.

5. SERVICE CONDITION FOR EMPLOYEES OF THE PROVINCIALISED COLLEGE :

- (i) All existing teaching and non-teaching staff of a college appointed on a regular basis as per provision of Grants-in-aid Rules 1975 or as per rule 3 of the Mizoram Aided College Employees Rules, 1990, shall be appointed into Government service from the date of issue of appointments after provincialisation, subject to the following conditions, namely—
 - (a) They possess the prescribed minimum qualification;
 - (b) They passed the screening test conducted by the Commission/Selection Board;
 - (c) They are medically, mentally and physically fit for the service for which the medical board certificate shall be required.
- (2) One third of the past service of the teaching or non-teaching staff appointed on regular basis as explained at sub-rule (1) rendered under private college and/or aided college will be counted as qualifying service under the Government for the purpose of fixation of seniority and/or promotion to next higher posts or grade, subject to a maximum of 5 years.
- (3) The past services of the teaching and/or non-teaching staff shall be counted as qualifying service as explained at sub-rule (1) above for pension/retirement benefits and advances.
- (4) The teaching and/or non-teaching staff shall be entitled to such scales of pay and allowances and other benefits as may be admissible to the corresponding ranks in the Government service.
- (5) The pay and allowances as were admissible to the teaching and non-teaching staff immediately before the date of provincialisation of a college may be protected.
- (6) The inter se-seniority of the teaching and/or non-teaching staff of the provincialised college vis-a-vis other teaching and non-teaching employees of the existing government colleges shall be determined by the government on the basis of sub-rule (3) and such available evidences as may be necessary in accordance with the existing rules and government instructions issued in this regard from time to time.
- (7) Unless otherwise directed by the government, the cadre of a lecturer of a provincialised college shall be the cadre to which he/she is entitled on the date of the provincialisation of the colleges in which he/she was serving.
- (8) Immediately from the date of provincialisation of a college, all matters relating to appointment, regularisation, confirmation promotion, retirement superannuation pension, gratuity, etc. of employees in respect of provincialised college shall be governed by the existing rules and instructions issued in this regard from time to time.

- (9) Holder of the degree of Master of Philosophy and/or Doctorate Degree who had already enjoyed the benefits as per norms of the University Grants Commission Act, 1956 under a private college will not be automatically eligible for the same benefits on his/her appointment into Government service.
- (10) (a) Three-fourths of the posts of Principal shall be filled in by appointment of existing incumbents of the posts of Principal of the provincialised colleges provided they fulfill the conditions laid down in sub-rule (1) and the incumbents to be appointed have put in a minimum of ten years of service as a principal in the affiliated college(s); and
- (b) One-fourth of the posts of Principal of the Provincialised colleges shall be filled in by promotion from the feeder posts under the Government of Mizoram in accordance with the Recruitment Rules in force.
- (11) The duly qualified and working Principal of provincialised colleges who have not been appointed into Government Service as Principals as per sub-rule (10) shall be placed in the zone of consideration for promotion to the posts of principal regardless of his/her seniority under the Government Service.

6. TRANSITIONAL PROVISIONS :

With effect from the date of commencement of these rules.

- (a) all the properties of a provincialised college including lands, building, furniture, moveable and immoveable properties, etc. previously held by the Governing Body of a college before provincialisation, shall be transferred to the Government automatically from date of provincialisation;
- (b) all reasonable liabilities and all assets of the erstwhile Governing Body of a college shall be vested in the Government immediately from the date of provincialisation of a college;
- (c) the Governing Body of a college shall stand dissolved immediately from the date of provincialisation of a college and all powers and authorities in regard to governance, maintenance, management and control of the college and its employee shall be vested in the government.

7. SUITS AND PROCEEDINGS :

No suits or other legal proceedings shall lie for anything done in good faith under these rules except with the previous sanction of the government.

8. POWER OF INTERPRETATION :

If any dispute arises as to the interpretation of any of these rules, the interpretation of the Government shall be final.

9. POWER TO RELAX THE RULES:

If any difficulty arises in giving effect to these rules, the Government may, by order, relax the provisions of these rules in accordance with the existing rules of the Government where Government is satisfied that such relaxation is necessary or expedient for the purpose of resolving the difficulty.

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